

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**MIKE THOMPSON,
Plaintiff**

v.

**CCA-LAC MEDICAL DEPARTMENT,
VERMONT DEPARTMENT OF
CORRECTIONS,
Defendants**

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File No. 1:06-CV-104

ORDER

The Magistrate Judge's Report and Recommendation was filed December 19, 2006 (Paper 16). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' motion to dismiss (Paper 8) is GRANTED in part and DENIED in part. Specifically, all claims against the Vermont Department of Corrections ("DOC"), and plaintiff's Eighth Amendment claim against CCA-LAC Medical Department ("CCA"), are DISMISSED.

With respect to plaintiff's motion to amend his complaint (Paper 11), the motion to add the DOC's Clinical Director is DENIED. The motion to amend to add nurse Mary King is DENIED with respect to plaintiff's Eighth Amendment claim, and GRANTED with respect to his medical malpractice claim.

With the only remaining claim being a diversity malpractice action against King and CCA, the Court hereby transfers this case to the United States District Court for the Eastern District of Kentucky, pursuant to 28 U.S.C. § 1404.

WHEREFORE, it is hereby

ORDERED, that the Clerk of Court transfer this action to the United States District Court for the Eastern District of Kentucky; and it is further

ORDERED, that ten (10) days after the date of the service of this Order, the Clerk is instructed to notify the Clerk of the United States District Court for the Eastern District of Kentucky, by sending a certified copy of this Order, along with a letter that provides instructions for obtaining a read-only, court user account for use in obtaining (retrieving) the electronic record of this case from the District's CM/ECF database; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties by regular mail.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont this 30th day of January, 2007.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge